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December 24, 2019

**By ECF**

The Honorable Denise Cote  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1910  
New York, New York 10007

Re: *Picard v. Clark*, S.D.N.Y. No. 19 Civ. 3059 (DLC)

Dear Judge Cote:

This Office represents defendant Michael Magliano, Chief of Public Safety for the New York State Unified Court System, in the above-referenced action. We write on behalf of all parties to respectfully request that the defendants' time to file their answers be extended to January 15, 2020. This request will not delay the initial pretrial conference, which the Court has scheduled for January 24, 2020, and will not affect any other litigation deadline in this action.

Plaintiff Michael Picard brings this action against Chief Magliano and Bronx County District Attorney Darcel D. Clark. The Complaint, filed April 5, 2019 (ECF No. 1), challenges, on First Amendment grounds, a provision of New York's criminal contempt statute that prohibits certain expressive conduct within 200 feet of a State courthouse. In an Opinion and Order dated December 2, 2019 (ECF No. 32), the Court denied the defendants' separate motions to dismiss. On the same date, the Court issued a Notice of Initial Pretrial Conference (ECF No. 33). By operation of Fed. R. Civ. P. 12(a)(4)(A), responsive pleadings were due December 18, 2019.

I have conferred by email with Brian Hauss, Esq. of the American Civil Liberties Union Foundation, counsel for Plaintiff, and Susan P. Scharfstein, Esq. of the New York City Law Department, counsel for District Attorney Clark. All counsel have agreed that with leave of the Court, defendants will file their answers by January 15, 2020. We apologize for not having filed this request prior to December 18, and for any inconvenience to Your Honor.

Hon. Denise Cote  
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We appreciate the Court's continued attention to this matter.

Respectfully,

/s/

Michael A. Berg  
Assistant Attorney General

cc: Brian Hauss, Esq.  
Susan P. Scharfstein, Esq.